

09/22/03  
13142 U.S. PTO

# CHOATE, HALL & STEWART

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

EXCHANGE PLACE

53 STATE STREET

BOSTON, MASSACHUSETTS 02109-2804

TELEPHONE (617) 248-6000 • FAX (617) 248-4000

WWW.CHOATE.COM

U.S. PTO  
10/667864

09/22/2003

MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**Express Mail No.:** EV 124826155 US

**Attorney Docket No.:** 2003946-0057

**Date Filed:** September 22, 2003

## CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EV 124826155 US

Date of Deposit: September 22, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as "*Express Mail Post Office to Address*" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
NADEGE M. LAGNEAU, Ph.D.

## UTILITY PATENT APPLICATION TRANSMITTAL

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

### Inventor(s):

Given Name (first and middle)	Family Name or Surname	Residence
James J.	KOWALCZYK	22 Railroad Street, #405 Andover, Massachusetts 01810
Galina	KUZNETSOV	28 Wood Street Lexington, Massachusetts 02421
Shawn	SCHILLER	614 Hilldale Avenue Haverhill, Massachusetts 01832
Boris M.	SELETSKY	8 Delphi Circle Andover, Massachusetts 01810
Mark	SPYVEE	75 Laura Lane Hampstead, New Hampshire 03841

Express Mail No.: EV 124826155 US  
3607717v1

Page 1 of 6

Attorney Docket: 2003946-0057  
Client Reference No.: HEAT/CIP

Hu	YANG	33 Stirling Street Andover, Massachusetts 01810
----	------	--

**Title of the Invention: HEMIASTERLIN DERIVATIVES AND USES THEREOF**

**A) APPLICATION ELEMENTS:**

- 1) ☐ **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) ☐ **Applicant Claims Small Entity Status** (see 37 CFR §1.27)
  - a) ☐ **Statement Verifying Small Entity Status**
- 3) ☒ **Specification** TOTAL PAGES: 299  
(including 281 pp. description, 17 pp. claims, 1 pg. abstract
  - Descriptive Title of the Invention
  - Priority Claim
  - Background of the Invention
  - Summary of the Invention
  - Description of the Certain Preferred Embodiments of the Invention
  - Treatment Kits
  - Equivalents
  - Exemplification
  - Claim(s) (17 pp.)
  - Abstract of the Invention (1 pg.).
- 4) ☐ **Drawing(s)** (35 U.S.C. § 113) TOTAL SHEETS:   
  - a) ☐ **Formal Drawings** (if checked)
- 5) ☐ **Oath or Declaration** TOTAL PAGES:           
  - a) ☐ **Newly Executed** (original)
  - b) ☐ **Copy from a prior application** (37 C.F.R. § 1.63(d))-for continuation/divisional application
  - c) ☐ **Unexecuted**
- 6) ☐ **Application Data Sheet.** See 37 CFR 1.76.
- 7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program**  
(Appendix)

8) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)

a) ☐ **Computer Readable Form (CRF)**

b) ☐ **Specification Sequence Listing on:**

i) ☐ **CD-ROM or CR-R (2 copies); or**

ii) ☐ **Paper (☐ pages)**

c) ☐ **Statements verifying identity of above copies**

d) ☐ **Amendment Introducing Sequence Listing**

**B) ACCOMPANYING APPLICATION PARTS:**

9) ☐ **Assignment Papers**

10) ☐ **37 C.F.R. § 3.73(b) Statement**

11) ☐ **Power of Attorney;**

12) ☐ **English Translation Document (if applicable)**

13) ☐ **Information Disclosure Statement (IDS)/PTO-1449**

14) ☐ **Statement Under 37 C.F.R. §§ 1.56, 1.97 and 1.98**

15) ☐ **Copies of IDS Citations**

16) ☒ **Return Receipt Postcard (MPEP 503) (specifically itemized)**

17) ☐ **Certified Copy of Priority Document(s) (if foreign priority is claimed)**

18) ☒ **OTHER: (if applicable, specified below)**

(a) **Appendix A – FDA Approved Oncology Drugs (11 pp.)**

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☐ CONTINUATION ☐ DIVISIONAL ☐ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO:	
FILED:	
EXAMINER:	
GROUP/ART UNIT:	

**FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY:** THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

D.) PRIORITY CLAIM(S):

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

Application Number	Filing Date	Status
--------------------	-------------	--------

PCT Applications designating the United States:

PCT/US03/08888	March 21, 2003	Pending
Application Number	Filing Date	Status

This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application(s):

60/366,592	March 22, 2002	Expired
Application Number	Filing Date	Status

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

       Applicant claims small entity status 37 CFR §1.27

  X   A check in the amount of \$2,308.00

  X   The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number 03-1721.

Basic Filing Fee ( <u>LARGE</u> Entity)	\$750.00
Additional Fees:	
Total Number of Claims in excess of 20: $(91 - 20) = 71 \times \$18$	\$1,278.00
Number of Independent Claims in excess of 3: $(3 - 3) = 0 \times \$42$	\$0.00
Multiple Dependent Claims – YES \$280	<u>\$280.00</u>
<b>Total Filing Fee:</b>	<b>\$2,308.00</b>

F) CORRESPONDENCE ADDRESS:

  X   Customer Bar Code Label:



24280

PATENT TRADEMARK OFFICE

  X   Correspondence Address:

PATENT GROUP  
Choate, Hall & Stewart  
53 State Street  
Exchange Place  
Boston, MA 02109  
ATTN: Brenda Herschbach Jarrell, Ph.D.  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000

G) GOVERNMENT SUPPORT:

THE INVENTION WAS MADE BY AN AGENCY OF THE UNITED STATES GOVERNMENT OR UNDER A CONTRACT WITH AN AGENCY OF THE UNITED STATES GOVERNMENT:

  X   NO

       YES, THE NAME OF THE U.S. GOVERNMENT AGENCY AND THE GOVERNMENT CONTRACT NUMBER ARE : \_\_\_\_\_

Respectfully Submitted,

Dated: September 22, 2003



---

Nadège M. Lagneau, Ph.D.  
Reg. No. 51,908

PATENT GROUP  
CHOATE, HALL & STEWART  
53 State Street  
Exchange Place  
Boston, MA 02109  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000